

REMARKS

Claims 1-24 have been examined. Claims 1 and 14 have been amended.
Reconsideration of the claims, as amended, is respectfully requested.

Claim Rejections - 35 U.S.C. §102

Claims 1-3, 9, 14, 15 and 21 have been rejected under 35 U.S.C. §102 as being anticipated by Biondi.

As discussed in the interview, an important limitation of claims 1 and 14 is the treatment of a person suffering from head trauma associated with elevated intracranial pressures. According to these claims, a method is performed to reduce intracranial pressures.

In contrast to claims 1 and 14, nowhere in the Biondi patent is there any discussion of treating elevated intracranial pressures. To emphasize how such a patent may be treated, claims 1 and 14 have been amended to recite that the positive pressure breath is delivered for at least 250 milliseconds and that the intrathoracic vacuum is less than about -50mm Hg. Not only does Biondi fail to teach or suggest such limitations, but since Biondi never mentions intracranial pressures, one of skill in the art in possession of the Biondi patent would have no motivation to even attempt to select such parameters to reduce elevated intracranial pressures.

As illustrated in Fig. 10 of the present application, at the time when intrathoracic pressures are lowered to about -15mm Hg, the intracranial pressure rapidly drops. Because Biondi fails to teach or suggest using such parameters to reduce intracranial pressures, claims 1 and 14 as amended are distinguishable. Claims 2, 3 and 9 depend from claim 1, and claims 15 and 21 depend from claim 14.

Claim Rejections - 35 U.S.C. §103

Claims 4-8, 10-13, 16-20 and 22-24 have been rejected under 35 U.S.C. §103 as being obvious in view of Biondi. In making the rejection, the Office Action admits that the various claimed ranges are not disclosed in Biondi, but that it would have been obvious to

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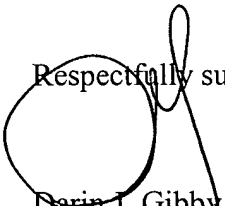
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optimize them. As discussed above, Biondi never even recognizes the issue associated with reducing intracranial pressures. Hence, one of skill in the art would have no motivation or even any teaching as how to obtain ranges or parameters that would assist in lowering intracranial pressures. Hence, claims 4-8, 10-13, 16-20 and 22-24 are distinguishable over the cited art for at least the reasons previously described.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Respectfully submitted,


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